IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Date of decision: 28.11.2006.

State of Punjab Vs . Ganpat Rai

CORAM: **Hon'ble Mr. Justice Virender Singh**
Hon'ble Mr. Justice A.N. Jindal

Present: Mr. K.S. Boparai, Addl. Advocate General, Punjab
for the appellant

Virender Singh, J.

The instant application is for grant of leave to appeal against the impugned judgment of acquittal dated 13.1.2006, passed by learned Special Judge, Ferozepur, vide which respondent Ganpat Rai son of Banka Ram who was working as SDR Clerk in the office of Executive Engineer, Eastern Mandal, Canal Colony, Ferozepur, has been acquitted of the charge of Sections 7, 13 (2) of the Prevention of Corruption Act, 1988 in case FIR No.39 dated 6.7.2001 registered against him at Police Station Vigilance Bureau, Ferozepur (Range Ferozepur). The allegation against him was that he had accepted Rs.500/- from complainant Gurdev Singh of village Pindi for forwarding his application for shifting of irrigation turn to other outlet for better irrigation in the presence of one Jarnail Singh shadow witness.

It is conceded before us by the State Counsel that Gurdev

Singh complainant did not support the case of the prosecution.

We have heard Mr. Boparai, learned Addl. Advocate General, Punjab and with his assistance gone through the impugned judgment very minutely.

Mr. Boparai contends that may be the complainant has not supported the case of the prosecution but the learned trial Court should not have rejected the testimony of Jarnail Singh (PW2) who was a shadow witness and after the respondent had accepted money, he gave a signal to the raiding party and in his presence the respondent was apprehended and the tainted money was recovered.

We do not agree with the submissions advanced by Mr. Boparai as the learned trial Court while rejecting the evidence of aforesaid Jarnail Singh has observed that the defence put up by the respondent that he was inimical towards him, was probable as a criminal case of theft of canal water was registered against him and he was called by the Deputy Collector in the office where the respondent was posted as Reader. The learned trial Court has also found some flaw in the basic application with regard to the cutting of date and month and taking into account all the weaknesses collectively, has extended the benefit of doubt to the respondent.

After having scrutinized the impugned judgment, we do not find any such infirmity, perversity or unreasonableness on any count for taking a different view than the one already taken by the learned trial

Court.

Resultantly, finding no substance in the instant appeal, Criminal Misc. No.284-MA of 2006 for grant of leave to appeal, is declined.

(Virender Singh)
Judge

(A.N. Jindal),
Judge

November 28, 2006
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